

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION

WILLIE B. GAINES, JR.

PLAINTIFF

V.

CIVIL ACTION NO. 3:13CV205 DPJ-FKB
CONSOLIDATED WITH 3:13CV203 DPJ-FKB

TYRONE LEWIS, ET AL.

DEFENDANTS

ORDER

This pro se prisoner action is before the Court on motion of Defendant Dr. Sutton to dismiss [19] Plaintiff's claims against him pursuant to Federal Rule of Civil Procedure 12(b)(6).¹ Dr. Sutton points out that his name only appears once in Plaintiff's initial Complaint [1] and not at all in Plaintiff's Amended Complaint [8] and asserts that Plaintiff has failed to state a claim against him. Plaintiff has not responded to the motion, and the time to do so has now passed.

Accordingly, the Court finds Dr. Sutton's unopposed motion to dismiss [19] should be granted. Plaintiff's claims against Dr. Sutton are dismissed without prejudice; Dr. Sutton may be terminated as a Defendant in both actions.

SO ORDERED AND ADJUDGED this the 23th day of December, 2013.

s/ Daniel P. Jordan III
UNITED STATES DISTRICT JUDGE

¹ All docket entries refer to 3:13cv205 DPJ-FKB.